

**EXECUTIVE SUMMARY OF CHANGES  
SUPERINTENDENT'S PROPOSED COMPENDIUM  
2008  
DENALI NATIONAL PARK AND PRESERVE**

Denali National Park and Preserve is seeking public comment on the park's proposed 2008 Superintendent's Compendium. The attached proposed compendium is a written compilation of designations, closures, permit requirements and other restrictions imposed under the Superintendent's discretionary authority. After review and consideration of the need for annual updates, several changes are proposed.

**1.6(f) Compilation of activities requiring a permit**

The following activities now require a permit under revised service-wide boating regulations:

- Towing a person using a parasail, hang glider, or other airborne device, 3.12(b)
- Removing sunken, grounded, or disabled vessels, 3.14(a)
- Operating a submersible, 3.19

**2.10(a) Camping: conditions and permits**

Idling parked vehicles during summer quiet hours at Riley Creek, Savage River, and Teklanika River Campgrounds is proposed to be prohibited. Proposed text:

Between April 15 and September 30, generators may be operated in the Riley Creek, Savage River, and Teklanika River Campgrounds between the hours of 8am and 10am and from 4pm to 8pm. Operation of a generator or idling of a parked vehicle for the purpose of electricity generation outside of these hours is prohibited.

The reasons for this restriction are as follows:

- Given the proximity of campsites to each other, noise from idling vehicles, in addition to generators, can be clearly heard in adjacent campsites and beyond. Many users object to the noise associated with generators and idling vehicles, especially if used for protracted periods of time. Fumes from idling vehicles also impact campers in adjacent sites. This generator/idling vehicle use restriction is intended to enhance the camping experience for all visitors and protect the natural quiet of the campgrounds while preserving the opportunity for users with recreational vehicles to charge vehicle batteries and have ready access to power during key times of the day.

**2.10(d) Food storage: designated areas and methods**

The following is proposed to be removed from 2.10(d), Definition of bear resistant container:

- Items approved by the National Park Service's Sierra Interagency Black Bear Group (<http://www.nps.gov/seki/snrnm/wildlife/sibbwg.htm>);

The reasons for this restriction are as follows:

- The park is proposing to remove items approved by the National Park Service's Sierra Interagency Black Bear Group (SIBBG). Containers approved by the SIBBG include Ursacks and Bear Vaults. These two containers have shown to be insufficient deterrents to bears gaining access to the contents.

The reasons less restrictive measures will not be effective are as follows:

- Based on this, the preventive measures cannot be made less restrictive for NPS areas in Alaska regardless of the recommendation suggested by the SIBBG.

#### **2.10(d) Food storage: designated areas and methods**

Pursuant to the Denali Backcountry Management Plan, the West Fork Glacier (#23) backcountry unit is proposed to be added to the list of units outside the FDA where a BRC is required.

#### **3.14(a) Conditions for removing sunken, grounded, or disabled vessels**

A permit is required from the Superintendent before sunken, grounded, or disabled vessels may be removed from the park; violation of the terms and conditions of the permit is prohibited.

The reasons for this restriction are as follows:

- This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

The reasons less restrictive measures will not be effective are as follows:

- How to protect park resources, public safety, and minimize visitor impact when removing a disabled vessel needs to be addressed on a case by case basis since the circumstances involved in each incident is unique. A permit allows the park and the boater maximum flexibility to address the specific circumstances at hand when removing disabled vessels.

#### **13.45(c) Designated areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored**

The park proposes to add two areas where personal property can be left unattended longer than 24 hours

- Campers and backpackers are authorized to store food and related items in established food storage lockers for the duration of their stay / backcountry trip. Items must be labeled with name and expected date of retrieval.
- Campers and backpackers are authorized to leave bicycles in established bicycle racks for the duration of their stay / backcountry trip.

The reasons for this allowance are as follows:

- In order to protect public safety and prevent adverse impacts to wildlife, visitors are provided food storage lockers in which to leave items that may be an attractant to

wildlife. Visitors routinely stay multiple nights in campgrounds and in the backcountry. This allowance eases trip planning, provides for better compliance with food storage regulation, and enables people to cache food and supplies during long trips.

- People wishing to bike the park road have few options for frontcountry camping, leading them to frequently stay in the backcountry. Allowing them to leave bicycles in bicycles racks longer than 24 hours provides a potentially secure location in which to leave their bikes, easing logistics and trip planning, and allowing them to conduct longer trips into the backcountry.

#### **13.160 Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit**

The following changes are proposed:

- Delete DENA 92 Muddy River. The cabin is not owned by the NPS.
- Delete DENA 167 Fish Lake. This cabin was evaluated on-site in July 2007 and found to be inhabitable.
- Add cabin DENA 074 12 Mile Slough (Slippery Creek). This cabin has been identified as a shared use cabin.

#### **13.460 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses**

Operating an off-road vehicle (ORV) in the Cantwell ORV traditional use area, as defined on Map 8 (attached) is prohibited, except:

- Local rural residents engaged in subsistence uses may operate an ORV with a curb weight (unloaded) of less than 1000 pounds upon a determination by the Superintendent that trail conditions allow for ORV use. The Superintendent will follow the procedures in 36 CFR 1.5 and 1.7 to inform local rural residents of the times and the designated routes available for use as described above. The designated routes subject to the Superintendent's designation are identified on Maps 1-7 (attached).

This provision implements the 2007 Cantwell Subsistence Off-Road Vehicle Management Environmental Assessment and finding of no significant impact. A written determination of need is on file with the park.

See also 36 CFR 2.16, 2.17, 2.18, 3.6, 4.10, 4.30, 13.950-13.962; 43 CFR 36.11(c)-(e).

#### **13.972(a) Frontcountry Developed Area (FDA): permit conditions for camping in the FDA from April 15 through September 30**

Campers driving a motor vehicle to Teklanika River Campground may not bring any towed motor vehicle or trailer past the Savage River check station unless essential to the camping

experience (i.e., tent trailers). These must be left at the Riley Creek Long Term Parking Area.

The reasons for this restriction are as follows:

- Campsites at the Teklanika Campground are too small to accommodate a utility trailer or second vehicle”.

The reasons less restrictive measures will not be effective are as follows:

- Campsites at the Teklanika Campground are too small to accommodate utility trailers or second vehicles. No other reasonable parking alternatives exist.”

**DENALI NATIONAL PARK AND PRESERVE  
COMPENDIUM  
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National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Denali National Park and Preserve, Denali Park, Alaska at (907) 683-2294, for questions relating to information provided in this compendium.*

**TITLE 36 CODE OF FEDERAL REGULATIONS**

**PART 1. GENERAL PROVISIONS**

**1.5 Closures and public use limits**

**(a)(1) Visiting hours, public use limits, closures**

Sable Pass Wildlife Viewing Area

- (i). Entry into the Sable Pass Wildlife Viewing Area is prohibited from May 1 to September 30, except as may be specifically authorized by the Superintendent.
- (ii). The Sable Pass Wildlife Viewing Area is generally defined as the area within one mile of the shoulder of the Park Road between Mile 38 and Mile 43, excluding the Tattler Creek drainage. A map that defines the specific boundaries of the closure is available for inspection at the park visitor center, Backcountry Information Center, and on the park website. Signs posted on the park road indicate the beginning and end of the closure area.

*This closure provides one limited area along the park road where all visitors have an equal opportunity to view wildlife, undisturbed, in a natural setting. This enhances the experience of the majority of park visitors by increasing their chances of seeing park wildlife. The majority of visitors along the park road ride the buses as part of the Tundra Wildlife Tour. These buses often turn around at Toklat and do not traverse the other scenic high alpine passes, thus missing likely alpine bear viewing areas such as Highway Pass and Thorofare Pass.*

McKinley Park and Kantishna Airstrips

The maintained aircraft landing surfaces of the McKinley Park and Kantishna airstrips are closed to pedestrian use unless otherwise directed by an authorized person directing aircraft, vehicle, or pedestrian traffic.

*Pedestrian travel on or pedestrian use of the aircraft landing surfaces at the McKinley Park and Kantishna airstrips constitutes a clear and present hazard to public safety, endangering both people and aircraft. FAA charts even warn pilots to watch out for pedestrians on the McKinley Park strip. The park has posted signs at conspicuous locations restricting airstrip access to authorized users only, but lacks an appropriate regulation to enforce the restriction.*

See specific sections in this document for additional information regarding closures, visiting hours, and public use limits. Information on temporary and emergency closures is available at the park visitor center, Backcountry Information Center, and Park Dispatch Office.

**(a)(2) Designated areas for specific use or activity or conditions**

Wildlife Distance Conditions:

- (1) Bears. The following is prohibited (i) Approaching a bear within 300 yards; or (ii) Engaging in photography within 300 yards of a bear.
- (2) Other wildlife. The following is prohibited (i) Approaching a moose, caribou, Dall sheep, wolf, an active raptor nest, or occupied den site within 25 yards; or (ii) Engaging in photography within 25 yards of a moose, caribou, Dall sheep, wolf, an active raptor nest, or occupied den site.
- (3) The prohibitions in this paragraph do not apply to persons—
  - (i) Within a motor vehicle or a hard sided building;
  - (ii) Within 2 yards of their motor vehicle or entrance to a hard sided building that are 25 yards or more from a bear;
  - (iii) Engaged in legal hunting or trapping activities;
  - (iv) In compliance with a written protocol approved by the Superintendent; or
  - (v) Who are otherwise directed by a park employee or in accordance with a permit from the Superintendent.

*These distance restrictions are meant to apply a minimum buffer around wildlife to prevent negative encounters between humans and wildlife and to protect wildlife from habituation to humans. See attached determination of need.*

See specific sections in this document for additional information regarding visiting hours, public use limits, and closures.

**1.6(f) Compilation of activities requiring a permit**

- Scientific research, 36 CFR 1.5
- Collecting research specimens, 36 CFR 2.5
- Camping, 36 CFR 2.10(a), 13.904, 13.972, 13.974
- Operating a power saw in developed areas, 36 CFR 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 36 CFR 2.12(a)(3)

- Operating a public address system, 36 CFR 2.12(a)(4)
- Air delivery, 36 CFR 2.17(a)(3)
- Noncommercial soliciting, 36 CFR 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 36 CFR 2.38(a)
- Using or possessing fireworks and firecrackers, 36 CFR 2.38(b)
- Special events, 36 CFR 2.50(a)
- Public assemblies and meetings, 36 CFR 2.51(a)
- Sale and distribution of printed matter, 36 CFR 2.52(a)
- Grazing, 36 CFR 2.60(a)(1)-(3)
- Residing on federal lands, 36 CFR 2.61(a)
- Installing a monument or other commemorative installation, 36 CFR 2.62(a)
- Towing a person using a parasail, hang glider, or other airborne device, 36 CFR 3.12(b)
- Removing sunken, grounded, or disabled vessels, 36 CFR 3.14(a)
- Operating a submersible, 36 CFR 3.19
- Commercial notices or advertisements, 36 CFR 5.1
- Commercial operations, 36 CFR 5.3
- Commercial photography or filming, 36 CFR 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 36 CFR 5.7
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Cabins on federal lands, 36 CFR 13.100-13.188
- Subsistence use in the Park by person who does not live within the Park boundary or a resident zone community, 36 CFR 13.440(a)
- Using aircraft access for subsistence activities in the Park, 36 CFR 13.450(a), 13.450(b)(1)
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 36 CFR 13.485(a)(1)
- Travel on the Denali Park road beyond Mile 14.8, 36 CFR 13.930
- Climbing Mt. McKinley or Mt. Foraker, 36 CFR 13.910
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)
- Long term aircraft parking, McKinley Airstrip, PL 101-512 and Policy Circular A-25

## **PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **2.1(a)(4) Designated areas for collection of dead wood on the ground for firewood**

Within the Frontcountry Developed Area, visitors may gather dead and down wood only in the immediate area, (within a short walking distance), of the campground where they

are staying. Firewood may not be gathered within view of existing roads. Gathering wood for campfires in all other areas of the park (the area outside the Frontcountry Developed Area) is not allowed between April 15 and September 30. See also, section 2.13. These restrictions apply only in the former Mt. McKinley National Park.

Superseded by in part by 13.35(c)(4), 13.35(d), and 13.485(b) in the Park additions and Preserve.

**2.1(a)(5) Designated areas and conditions for walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue**

No designated areas or conditions.

**2.1(b) Designated trails**

No restrictions on walking or hiking.

**2.1(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand and collection restrictions**

All edible fruits, berries, and nuts may be gathered by hand for personal use or consumption within the former Mt. McKinley National Park.

*This designation serves to provide the broadest use and enjoyment of the park in the least restrictive manner so long as there is no adverse affect to park wildlife, the reproductive potential of a plant species or otherwise adverse affect of park resources.*

Superseded in part by 13.35(c) and 13.485(b).

**2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas**

All legally taken game from Kantishna transported on the park road by motor vehicle must be transported out of the Park without unnecessary delay. Meat and other animal parts must be secured and out of public view.

*This requirement is intended to allow transport of legally taken game across Park lands that avoids undesirable encounters with bears or other scavengers, protects public safety, and avoids unwarranted public accusations that an illegal hunt may have taken place in the Park.*

See also 13.40(d)(5).

**2.2(e) Designated areas for wildlife viewing with artificial light**

No areas designated for closure.

**2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe**

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing by federally



qualified rural residents is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

### **2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks**

All areas are designated as open for fishing from motor road bridges and boat docks.

### **2.4(a)(2)(i) Carrying, using, or possessing weapons at designated locations and times**

Weapons and traps may not be carried or used within Denali National Park within the area known as Mt. McKinley National Park prior to the passage of ANILCA. (Note: see 2.4(a)(3), which authorizes possession of unloaded weapons within a temporary lodging or mechanical mode of conveyance when made temporarily inoperable or are packed, cased or stored in a manner that will prevent their ready use).

*The intent of this requirement is to provide maximum wildlife protection by not allowing the carrying of weapons or traps within the former Mt. McKinley National Park unless the unloaded weapon is broken down or made inaccessible during transport.*

See also 13.30(b)-(f).

### **2.10(a) Camping: conditions and permits**

Between April 15 and September 30, generators may be operated in the Riley Creek, Savage River, and Teklanika River Campgrounds between the hours of 8am and 10am and from 4pm to 8pm. Operation of a generator or idling of a parked vehicle for the purpose of electricity generation outside of these hours is prohibited.

*Given the proximity of campsites to each other, noise from generators and idling vehicles can be clearly heard in adjacent campsites and beyond. Many users object to the noise associated with generators and idling vehicles, especially if used for protracted periods of time. This generator use/idling vehicle restriction is intended to enhance the camping experience for all visitors and protect the natural quiet of the campgrounds while preserving the opportunity for users with recreational vehicles to charge vehicle batteries and have ready access to power during key times of the day.*

Superseded in part by 13.25(a), 13.904, 13.972-13.974.

### **2.10(d) Food storage: designated areas and methods**

#### **1. Definitions:**

A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include—

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee (<http://www.fs.fed.us/r1/wildlife/igbc/>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (<http://www.wildlife.alaska.gov/aawildlife/containers.cfm#lightweight>), with the concurrence of the Superintendent; and

- Items approved by the Superintendent.

## **2. Frontcountry Developed Area (FDA)**

Food and beverages, food and beverage containers, garbage, harvested fish, and all other scented items must be stored in a bear resistant container (BRC) or secured—

- Within an NPS provided food storage locker
- Within a hard sided building;
- Within a lockable and hard sided section of a vehicle, vessel, or aircraft; or
- By caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear's weight.

Note: This does not apply to:

- Clean dishes and cooking equipment that are free of food odors.
- Food that is being transported, consumed or prepared for consumption.
- Bait being used for trapping and hunting under the provisions of state and federal law in the park additions and preserve.

## **3. All areas outside the FDA (backcountry)**

- a. Food and beverages, food and beverage containers, garbage, harvested fish, and all other scented items must be stored in a bear resistant container (BRC) at least 100 feet from camp in the following backcountry units from April 15 through October 1. BRCs are recommended for all other dates and backcountry units not listed below.

<u>Unit No.</u>	<u>Name</u>
1	Triple Lakes
2	Riley Creek
3	Jenny Creek
4	Upper Savage
5	Upper Sanctuary
6	Upper Teklanika
7	Upper East Fork
8	Polychrome Glaciers
9	East Branch Upper Toklat
10	West Branch Upper Toklat
11	Stony Dome
12	Sunset /Sunrise Glaciers
13	Mount Eielson
14	McKinley Bar East
15	McKinley Bar West
16	Windy Creek
17	Foggy and Easy Pass
18	Upper Glacier Creek
19	Pirate Creek
20	McGonagall Pass
21	Muddy River
23	West Fork Glacier

24	Mount Healy
25	Healy Ridge
26	Primrose Ridge
27	Mount Wright
28	Sushana River
29	Igloo Mountain
30	Tributary Creek
31	Polychrome Mountain
32	Middle Toklat
33	Stony Hill
34	Mount Galen
35	Moose Creek
36	Jumbo Creek
37	Lower East Fork
38	Lower Toklat
39	Stony Creek
40	Clearwater Fork
41	Spruce Peak
42	Eureka Creek
43	Eldorado Creek

- b. In treeless areas where BRCs are not required, at a minimum food shall be stored in double wrapped plastic at least 100 feet downwind from campsite.
- c. In forested areas where BRC's are not required, at a minimum food shall be suspended at least 10 feet above the ground and four feet horizontally from a post, tree trunk, or other object, and at least 100 feet down-wind and visible from tent sites.
- d. Backcountry parties that have special needs due to size of their party, length of stay, mountaineering logistics, etc., must obtain permission of the Chief Ranger or his/her designee to travel without BRC's where otherwise required.
- e. BRCs are available for loan from the Backcountry Information Center free of charge. BRCs borrowed from the NPS must be returned within 48 hours of returning from a backcountry trip.

*The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC. The park offers bear resistant containers for temporary use to the public.*

## **2.11 Picnicking: designated areas**

Superseded by 13.26.

## **2.13(a)(1) Fires: designated areas and conditions**

Campfires are prohibited in the former Mount McKinley National Park except 1) as provided in 13.976 in the Frontcountry Developed Area, 2) in areas outside the

Frontcountry Developed Area from October 1 through April 15, 3) in emergency situations.

Campfires are authorized in the 1980 Park and Preserve Additions, except at the Kantishna Airstrip from April 14 through September 30. Any rocks used for fire-pits must be replaced in their original location after the fire is extinguished.

All trash (tinfoil, burnt food, glass, cans, etc) must be removed from the fire site after use.

*These requirements are intended to ensure that wood sources are not depleted, visual and ecological impacts of campfires and cooking fires are limited in high use areas, and the risk of human caused wildfire is minimized. Fire rings attract trash and food residue as campers attempt to burn trash before leaving the area. High temperature impacts soils and impairs plant growth. Trampling and soil compaction occurs around fires rings as well. A written determination of need per 36 CFR 1.5(c) is attached.*

**2.14(a)(2) Sanitation and refuse: conditions using government receptacles**

No conditions established at present. Dumping commercial, household, or industrial refuse, brought in from private or municipal property, in government receptacles is prohibited.

**2.14(a)(5) Sanitation: designated areas for bathing and washing**

No designated areas. Unless otherwise allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools is prohibited.

**2.14(a)(7) Sanitation: designated areas for disposal of fish remains**

There are no designated areas.

*Fish remains may not be disposed of on either land or water within 200 feet of public boat docks or designated swimming beaches, or within developed areas for reasons of public health and safety.*

**2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas**

**2.14(b) Sanitation: conditions concerning disposal, carrying out of human waste**

1. Persons engaged in any travel (such as skiing, snowshoeing, aircraft landings) or activities (such as mountaineering, climbing, flight seeing, camping) in a glacier environment such as Mt. McKinley and other peaks and glaciers within the Park & Preserve are required to properly dispose of solid human waste as follows:
  - Pit latrines must be used where provided by the National Park Service, such as those typically located at the 7,200 and 14,200 foot camps on the West Buttress route of Mt. McKinley.
  - Below 15,000 feet on the West Buttress route of Mt. McKinley – Solid human waste must be collected in a personal receptacle or bagged and deposited in a deep crevasse.

- Above 15,000 feet on the West Buttress of Mt. McKinley – Solid human waste must be collected in a Clean Mountain Can.
- Solid human waste must be collected in a personal receptacle when within one-half mile of glacial landing sites used by aircraft.
- On technical climbing routes within the park and preserve, not including the West Buttress, solid human waste must be tossed or shoveled away from the route.
- In all other glaciated areas of the park covered by snow and ice, solid human waste must be bagged and carried out in a personal receptacle or deposited in a deep crevasse.
- Personal receptacles containing solid human waste must be removed from the backcountry and deposited at designated locations.

*This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety. A written determination of need is attached per 36 CFR 1.5(c).*

2. Human body waste will be deposited in cat-holes when the ground is not frozen, dug at least 100 feet from any surface freshwater source.

*This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor safety.*

3. In non-glacier environments, toilet paper must be burned or removed as trash.

#### **2.15(a)(1) Areas designated as closed to pets**

For the Frontcountry Developed Area, see 13.978 From April 15 through September 30, pets are prohibited in all other areas of the park. This prohibition does not apply to—

- dogs used for legal hunting in the park and preserve additions;
- emergency search and rescue missions; or
- qualified service animals accompanying persons with disabilities per the ADA.

*This restriction serves to protect wildlife, park visitors, and NPS sled dogs from conflicts. A written determination of need per 36 CFR 1.5 is available in the office of the Superintendent and attached.*

#### **2.15(a)(3) Conditions for leaving pets unattended and tied to an object**

- Pets will not be left unattended in areas or in circumstances that they will create a nuisance to other visitors or cause a conflict with wildlife.
- Pets will not be left in areas where food, water, shade, ventilation and other basic needs are inadequate.

*This requirement is intended to ensure pets do not harass wildlife or disturb park visitors and also to ensure pets are properly cared for in the park. Leaving pets unattended and tied to an object is prohibited.*

#### **2.15(a)(5) Pet excrement disposal conditions**

Pet feces must be removed from areas around buildings, parking areas, campgrounds, and the train depot.

*This requirement is intended to keep commonly visited areas sanitary.*

**2.15(b) Conditions for using dogs in support of hunting activities**

No conditions at present.

**2.15(e) Pets of park residents**

Permanent park residents may keep pets in accordance with the Denali National Park Housing Management Plan.

**2.16 (a)-(c) Horses and pack animals**

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.460(a) supersedes this section.

**2.17(a)(1) Aircraft operation**

Superseded by 43 CFR 36.11(f)(1).

Use of aircraft in the Park for subsistence purposes is prohibited under 36 CFR 13.450.

**2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas**

No areas prohibited.

**2.17(c)(1) Conditions for removing downed aircraft**

Superseded by 43 CFR 36.11(f)(3)(ii).

**2.18(c) Snowmobiles: designated areas for use**

No areas designated for snowmachine use.

The former Mt. McKinley National Park (old park) is closed to all snowmachine use under 36 CFR section 13.952.

Only new Park and Preserve additions are superseded in part by 43 CFR 36.11(c) Special access. As authorized under 36 CFR 13.960, the Superintendent will determine when adequate snowcover exists and notify the public at such time.

The use of snowmachines for subsistence uses in the new Park and Preserve additions ONLY, under 36 CFR 13.460(a) supersedes this section.

**2.19(a) Winter activities on roads and in parking areas: designated areas**

No special designations. Winter activities as listed in this section remain prohibited on all park roads and parking areas open to motor vehicle traffic.

*Winter sports activities are not allowed on open roads and parking areas in order to separate such uses from motor vehicle traffic for reasons of public safety.*

**2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes**

No designated areas or routes.

**2.20 Skating and skateboards**

Superseded by 43 CFR 36.11(e).

See also 13.916.

**2.21 Smoking**

All public buildings are closed to smoking unless specifically permitted and signed as a designated smoking area. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facilities.

*These restrictions are intended to protect public health and public safety from fire or explosion around fuel storage facilities.*

**2.22 Property: leaving property unattended for longer than 24 hours**

Superseded by 13.45, 13.906.

**2.35(a)(3)(i) Alcoholic beverages: areas designated as closed to consumption**

Consuming or possessing opened alcoholic beverages on shuttle or concession tour buses is prohibited. See also 4.14(b).

*This requirement is intended to ensure park visitors have a quality experience and also protect visitor safety.*

**2.38(b) Fireworks: permits, designated areas, and conditions**

No areas designated for use of fireworks.

**2.51(e) Public assemblies/meetings: designated areas for public assemblies**

All areas are open to public assembly with a permit from the superintendent.

**2.52(e) Sale and distribution of printed matter: areas designated for such use**

Pursuant to a permit, the southwest corner of the Wilderness Access Center deck is designated for this use.

**2.60(a)(3) Designated areas for grazing**

Grazing of pack or saddle animals by private parties engaged in recreational activities within the Park or Preserve, is authorized without a permit within the Park and Preserve, not to exceed 14 days. Grazing associated with recreational activities shall be conducted utilizing best practice techniques based on Leave No Trace (LNT) principles and closely monitored and livestock moved regularly so as not to cause resource damage. Grazing practices will conform to the terms and conditions of a backcountry permit where required for all overnight use. Any feed brought in must be “weed free”.

*These restrictions seek to minimize the impact of extended camps and associated grazing on vegetation.*

**2.62(b) Memorialization: designation of areas for scattering ashes**

All areas are open to scattering of ashes without a permit with the exception of developed areas, campgrounds, and park facilities. The excepted areas require a permit.

**PART 3. BOATING AND WATER USE ACTIVITIES**

**3.3 Permits**

No permits required at present.

**3.7 Personal Flotation Devices: designated times and/or activities**

No designated times or activities. PFDs must be worn in accordance with 33 CFR part 175.

**3.8(a)(2) Boating, prohibited operations: designated launching areas**

All areas are open to launching of boats.

**3.8(a)(4) Operating a vessel in excess of designated length, width, or horsepower**

No designations at present.

**3.8(b)(3) Operating a vessel in excess of flat wake speed in designated areas**

No designations areas.

**3.12(a) Water skiing: designated waters**

No areas designated open.

**3.14(a) Conditions for removing sunken, grounded, or disabled vessels**

A permit is required from the Superintendent before sunken, grounded, or disabled vessels may be removed from the park; violation of the terms and conditions of the permit is prohibited.

*This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.*

**3.16 Swimming and wading: areas designated as closed**

All areas are open to swimming and wading.

**3.17(a) Designated swimming areas and beaches**

No designated areas.

**3.17(c) Use or possession of flotation devices, glass containers, kites, or incompatible activities in swimming areas or beaches**

No restrictions at present.



**3.18(a) SCUBA and underwater diving: closures and restrictions**

No closures or restrictions at present.

**PART 4. VEHICLES AND TRAFFIC SAFETY**

**4.10 Routes or areas designated for off-road motor vehicle use in Preserves**

No routes or areas designated.

See also 43 CFR 36.11(g).

**4.11(a) Load weight and size limits: permit requirements and restrictive conditions**

Vehicles over 22 feet long, 12 feet high, or 8 feet wide that use the restricted section of the Denali Park Road west of the Teklanika Bridge are subject to restricted hours of travel unless specifically authorized by the superintendent.

**4.21(b)-(c) Speed limits: designation of a different speed limit**

Except where other speed limits are posted by sign, the speed limit along the Denali Park road will not exceed 35 miles per hour.

**4.30(a) Routes designated as open to bicycles**

Superseded by 43 CFR 36.11(e).

See also 13.914.

**4.30(d)(1) Wilderness closed to bicycle use**

Superseded by 43 CFR 36.11(e).

See also 13.914.

**4.31 Hitchhiking: designated areas**

Hitchhiking is allowed along Alaska Highway 3 as defined by State Law.

**PART 5. COMMERCIAL AND PRIVATE OPERATIONS**

**5.7 Construction of buildings, roads, trails, airstrips, or other facilities**

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required.

**PART 13. ALASKA REGULATIONS**

**13.25(a) Temporary closures and restrictions to camping**

See also 2.10, 13.904, 13.972, 13.974.

**13.25(b) Site time limits: authorization to exceed 14 day limit at one location**

No general exceptions at present.

**13.25(c) Designated campgrounds: restrictions, terms, and conditions**

See also 13.972, 13.974.

**13.26 Picnicking-areas where prohibited or otherwise restricted**

No restrictions at present.

**13.30 Temporary closures or restrictions to carrying, possessing, or using firearms**

There are no additional restrictions. For the former Mt. McKinley National Park, see 2.4.

**13.35(d) Collection of dead standing wood: areas designated as open and conditions for collection**

No designated areas. For the former Mt. McKinley National Park, see 2.1(a)(4).

**13.35(f)(1) Natural features: size and quantity restrictions for collection**

No restrictions at present. For the former Mt. McKinley National Park, see 2.1(c)(1)-(3).

**13.35(f)(2) Natural features: closures or restrictions due to adverse impacts**

No restrictions at present. For the former Mt. McKinley National Park, see 2.1(c)(1)-(3).

**13.40(b) Fishing**

A State of Alaska fishing license is not required for the former Mt. McKinley National Park. Bag limits for the former Mt. McKinley National Park come under 13.908. All other nonconflicting state and federal laws and regulations apply. See also, section 2.3.

**13.40(e) Temporary closures or restrictions to the taking of fish and wildlife**

No closures at present where hunting is authorized. See applicable State of Alaska hunting regulations. Hunting is prohibited in the former Mt. McKinley National Park.

**13.45(b)(1)-(6) Exceptions to unattended or abandoned property**

Superintendent authorizations for exceptions for unattended or abandoned property are made on a case by case basis. Contact park headquarters for more information.

**13.45(c) Designated areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored**

Frontcountry Developed Area: Personal property may not be left unattended for longer than 24 hours or may not be left unattended for any time period in such a manner as to interfere with visitor safety, orderly management of the park area, or present a threat to park resources. The following exceptions apply:

- Campers and backpackers are authorized to leave motor vehicles unattended in the Riley Creek auxiliary parking area for the period authorized on their camping or backcountry permit.
- Personal property may be left unattended at a campsite in developed campgrounds only by permission of the Superintendent, or his representative, and only if camping fees have been paid in advance for the period during which the site will be unattended.

- Campers and backpackers are authorized to store food and related items in established food storage lockers for the duration of their stay / backcountry trip. Items must be labeled with name and expected date of retrieval.
- Campers and backpackers are authorized to leave bicycles in established bicycle racks for the duration of their stay / backcountry trip.

See also 13.906, which prohibits leaving unattended and abandoned property along the road corridor, at Wonder Lake, and in areas included in the backcountry management plan.

See also 13.45 for all other areas.

**13.50(h) Facility closures and restrictions**

No restrictions at present.

**13.122 Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked**

No conditions established at present (may require access permit).

**13.160 Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit**

DENA 20 Castle Rocks Lake  
 DENA 76 Slippery Creek  
 DENA 95 Birch Creek  
 DENA 074 12 Mile Slough (Slippery Creek)

**13.166 Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually**

No conditions or standards established at present.

**13.170 Designated cabins or other structures for general public use**

No cabins or structures designated for public use.

**13.172 Established conditions and allocation system to manage the use of designated public use cabins**

Not applicable.

**13.188(b) Established conditions for removal of temporary facility used in excess of 14 days**

Individuals must remove facility, all personal property, and return the site to its natural condition.

*These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.*

**13.460 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses**

Operating an off-road vehicle (ORV) in the Cantwell ORV traditional use area, as defined on Map 8 (attached) is prohibited, except:

- Local rural residents engaged in subsistence uses may operate an ORV with a curb weight (unloaded) if less than 1000 pounds upon a determination by the Superintendent that trail condition allow for ORV use. The Superintendent will follow the procedures in 36 CFR 1.5 and 1.7 to inform local rural residents of the times and the designated routes available for use as described above. The designated routes subject to the Superintendent's designation are identified on Maps 1-7 (attached).
- Operating an ORV in a manner that causes damage to trails, vegetation, or other resources is prohibited.

A written determination of need is on file with the park.

See also 36 CFR 2.16, 2.17, 2.18, 3.6, 4.10, 4.30, 13.950-13.962; 43 CFR 36.11(c)-(e).

**13.485(a)(1) Permit specifications for harvesting live standing timber greater than 3" diameter for subsistence purposes (house logs & firewood)**

The superintendent may allow noncommercial subsistence harvest of trees greater than 3" subject to the terms and conditions of a permit issued by the superintendent.

*The above restriction serves to minimize impact to park resources and protect against overharvest.*

**13.485(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes**

Stumps shall be flush cut as close to ground level as possible.

*The above restriction is intended to make cut stumps visually blend in with the surroundings and minimize safety hazards to wildlife and people.*

**DENALI NATIONAL PARK AND PRESERVE SPECIAL REGULATIONS**

**13.902 Subsistence Resident Zones**

- The Cantwell Residence Zone is described by the area encompassed by a circle of which the center is at the location of the Cantwell Post Office as of December 2, 1980, and whose radius is the distance from that location to the nearest boundary of Denali National Park and Preserve. That linear distance is approximately three miles.
- The Minchumina Resident Zone is described by the area encompassed within one mile perpendicular from the Lake Minchumina shoreline as shown on the D-5 Mt. McKinley 1:63,360 topographical map, 1953 edition.

**13.904 Backcountry camping**

- a. The term "backcountry" means all areas of the Park and Preserve outside the boundaries of the Backcountry Day Use zone as defined in the 1997 Frontcountry Development Concept Plan/EIS and the Frontcountry Developed Area as defined at 13.970. During winter, the closed portion of the Denali Park road is considered backcountry (see 13.974).
- b. A backcountry permit is required for all backcountry camping in units 1-48, 86, and 87. Maps describing the units are available at the park visitor center and the Backcountry Information Center. Permits are available at the Backcountry Information Center during the summer months and at park visitor center during the winter months.
- c. During the periods when the Denali Park road is open, backcountry camping is prohibited within one-half mile of, and within sight of the Denali Park road, developed area, designated day use areas or in the restricted area around Wonder Lake.
- d. Camping in the backcountry designated units is limited to 30 days total between April 15 and September 30, with no more than 7 days in one unit on each trip.
- e. Backcountry permits may be issued in conjunction with bicycle trips on the Denali Park road. Cyclists may stay in any of the established campgrounds with a campground permit. Bicycles must be stored in an approved manner--bike racks provided at campgrounds, with other campers, or with owner's permission on private property.

#### **13.914(b) Trails and areas designated for bicycle use in the FDA**

The 2.3 mile long multi purpose trail between the Nenana River Canyon Bridge and the Denali Visitor Center is designated as open for bicycle use. No other areas or trails within the FDA are designated as open to bicycle use.

#### **13.916(b) Trails and areas designated for the use of roller skates, skateboards, roller skis, in-line skates, and similar devices**

No designated trails or areas.

#### **13.934(b) Denali Park Road permits**

The annual date for evaluating motor vehicle permits for the restricted portion of the Denali Park road is March 1. The annual apportionment of permits for 2007 is listed below. The apportionment for 2008 is not expected to change substantively from 2007 and will follow the provisions of 36 CFR 13.55.

Denali Backcountry Lodge: 315  
 Kantishna Roadhouse: 420  
 Northface Lodge/Camp Denali: 315  
 Kantishna Air Taxi 10  
 Jeff Barney: 15  
 Gene Desjarlais: 15  
 Virginia Wood: 8  
 Romany Wood: 2  
 Greg LaHaie: 35  
 Stephen & Lisa Neff: 9  
 Michael Conlin: 35  
 Rusty Lachelt: 2  
 Ray Krieg: 8

Paul Shearer: 4  
Rainey Creek LLC: 9

**13.952 Snowmachine operation in Denali designated wilderness (the former Mt. McKinley National Park)**

Snowmachine use is not allowed in the former Mt. McKinley National Park. The Old Park remains closed to snowmachine use in accordance with this section and 36 CFR 2.18.

**13.972(a) Frontcountry Developed Area (FDA): permit conditions for camping in the FDA from April 15 through September 30**

- Camping is prohibited in the FDA except at the following designated campgrounds pursuant to a permit: Riley Creek, Savage River, Sanctuary River, Teklanika River, Igloo, and Wonder Lake. Igloo, Sanctuary River and Wonder Lake Campgrounds, and the Savage River Group campsites are designated for tent camping only. Igloo, Sanctuary and Wonder Lake are accessible via shuttle bus only. Teklanika, Savage River and Riley Creek Campgrounds are designated for use by tents, trailers and/or other camper units.
- Except as outlined below, occupancy of one campsite at all designated campground except Wonder Lake is limited to a maximum of eight people. Wonder Lake Campground is limited to four persons per campsite.
- There are three campsites available for groups of nine or more in the Savage River campground. These sites are available for tents only on an advanced reservation basis under procedures established by the Superintendent.
- Only two motor one vehicle is allowed for each campsite, except with permission of an NPS employee.
- Campers wishing to drive a private motor vehicle to Teklanika River Campground must register for a minimum of three nights. The three night minimum does not apply to Teklanika campers without vehicles.
- Teklanika River Campground permits allow valid for one private motor vehicle trip to the campground, but not beyond, and return. Additional motorized travel must be by shuttle bus. Additional use of the private motor vehicle under the terms of the camping permit is not authorized.
- Campers driving a motor vehicle to Teklanika River Campground may not bring any towed motor vehicle, trailer, or other apparatus past the Savage River check station unless essential to the camping experience (i.e., tent trailers). These must be left at the Riley Creek Long Term Parking Area.
- No person, party or organization shall be permitted to camp in designated campgrounds for more than a total of 14 days, either in a single period or combined periods between April 15 and September 30.
- Generators or engines are not permitted to operate in Wonder Lake, Igloo, or Sanctuary River Campgrounds.
- Following the last night of paid occupancy, campers must vacate designated campgrounds by 11:00 am.
- Obtaining a campground permit for the purpose of avoiding the road restrictions is prohibited.

- There is a mandatory nightly fee for all campsites when a permit is required.

**13.974 Frontcountry Developed Area: camping in the FDA from October 1 through April 14**

- Camping is prohibited in the FDA except in the open loop(s) of the Riley Creek Campground and that area west of where the park road to motor vehicle use in winter (typically Mile 3 of the park road).
- Camping in the Riley Creek campground in excess of 30 days is, either in a single period or combined periods, prohibited. See 13.25(a)(3).

*These requirements serve to ensure equitable use of NPS designated campgrounds and manage traffic on the Denali Park road in accordance with limits established by special regulation 36 CFR section 13.932-13.934.*

**13.976(a) Designated campgrounds for lighting or maintaining fires**

The following campgrounds are designated for the lighting or maintaining of fires in established receptacles: Riley Creek, Savage River, and Teklanika River Campgrounds.

**13.976(c) FDA conditions for lighting or maintaining fires**

- NPS employees may build an open fire at the designated site located within the C-Camp Housing Area.
- NPS employees may build an open fire at the designated site located adjacent to the playground in the Headquarters Housing Area.

**13.980 FDA closures and restrictions**

No additional closures or restrictions.

**43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)**

**36.11(c) Temporary closures to the use of snowmachines for traditional activities**

No closures at present.

See also 2.18, 13.950-13.962.

**36.11(d) Temporary closures to the use of motorboats**

No closures at present.

See also 3.3, 3.6.

**36.11(e) Temporary closures to the use of non-motorized surface transportation**

No closures at present.

See also 2.16, 3.3, 3.6, 13.914-13.916.

**36.11(f)(1) Temporary closures to landing fixed-wing aircraft**

No closures at present.

**36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft**

A permit is required from the Superintendent before downed aircraft may be salvaged

and removed from the park; violation of the terms and conditions of the permit is prohibited.

*This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.*

**36.11(g)(2) Use of off-road vehicles (ORV) on existing trails**

No designated trails. See also 4.10.

**This compendium is approved and rescinds all previous compendiums issued for Denali National Park and Preserve.**

/s/

12/17/07

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**Superintendent**

**Date**

Attachments: 1.5 Sable Pass closure Determination  
2.10 Food Storage Determination  
2.13 Fires Determination  
2.15 Pet Determination  
2.14 Sanitation  
1.5 Wildlife Distance Conditions  
13.914 Use of Bicycles



## Determination of need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Sable Pass Wildlife Viewing Area

Pursuant to Title 36 of the Code of Federal Regulations, 1.5, the Superintendent of Denali National Park and Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, entry into the Sable Pass Wildlife Viewing Area has been modified. Under 36 CFR 1.5 (a)(1) – Closures and Public Use Limits, the park has changed the boundaries of the Sable Pass Wildlife Viewing Area.

### **Language proposed and adopted for the 2005 compendium:**

#### **Sable Pass Wildlife Viewing Area**

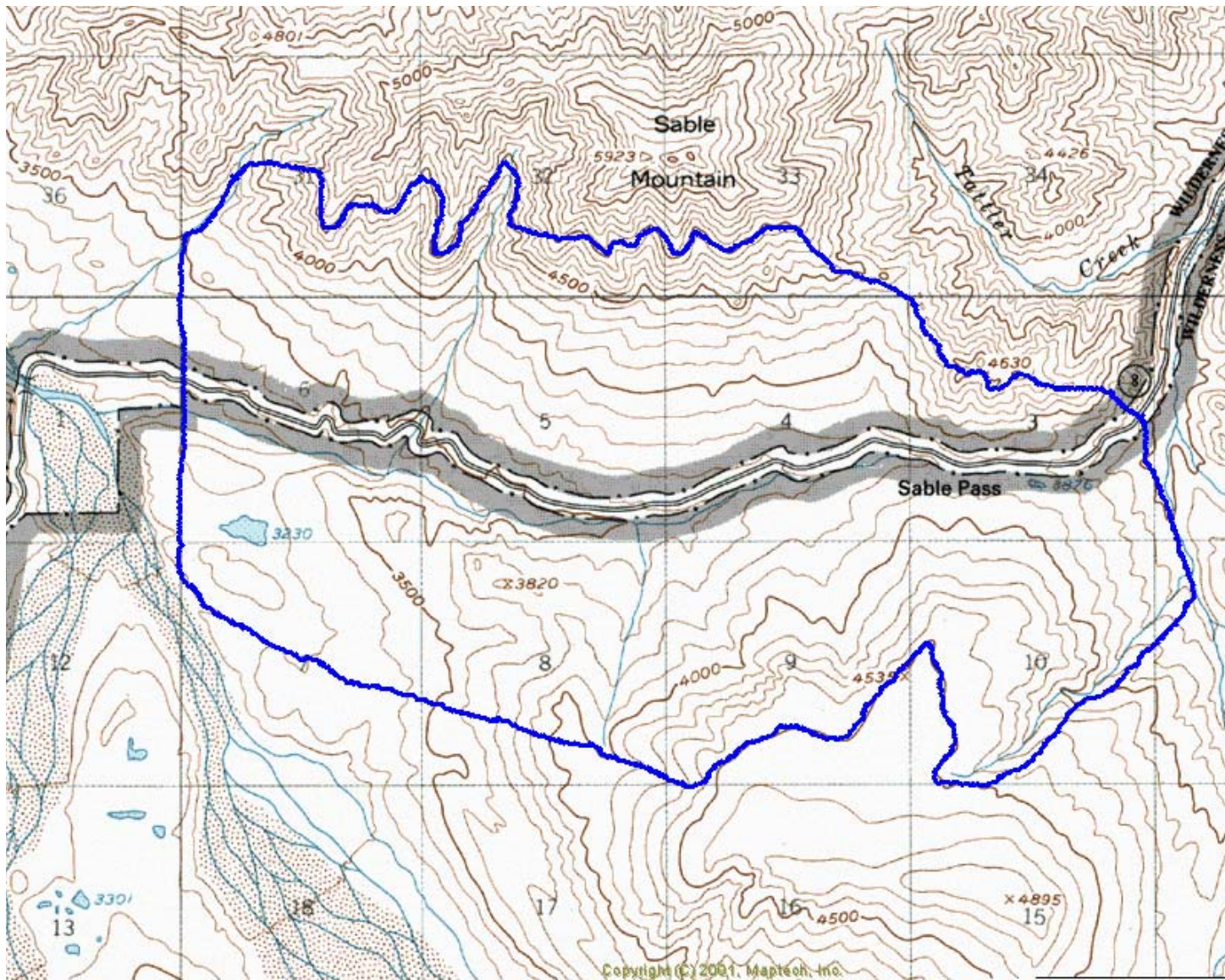
- (a) Entry into the Sable Pass Wildlife Viewing Area is prohibited from May 1 to September 30, except as may be specifically authorized by the Superintendent.
- (b) The Sable Pass Wildlife Viewing Area is generally defined as the area within one mile of the shoulder of the Park Road between Mile 38 and Mile 43, excluding the Tatler Creek drainage. A map that defines the specific boundaries of the closure is available for inspection at the Denali Visitor Center and on the park website. Signs posted on the park road indicate the beginning and end of the closure area.

### **Justification**

The current boundaries for Sable Pass Wildlife Viewing Area are 1 mile on either side of the Park Road from Mile 37 to Mile 42. This revision defines the area by geographic features, such as ridge lines and drainages, between Mile 38 and 42. This revision will make it easier for the public to know where the boundaries of this area are located. Since these features are also natural travel routes, travel will be permitted along any ridgelines or drainages that form the boundaries of the closed area. The proposed area represents a reduction in size from the previous closure because it makes greater use of ridge lines that define the viewshed from this section of road rather than simply a uniform distance of one mile from the road edge.

The closure is the least restrictive method of protecting the outstanding wildlife resources of the park, allowing visitors to safely view wildlife from outside the closed area and from the park road.

A map showing the proposed boundary change is attached.



## Determination of need for a Restriction, Condition, Public Use Limit, or Closure

### Subject: Food Storage

Pursuant to Title 36 of the Code of Federal Regulations, 1.5 (c) and 2.10 (d), the Superintendent of Denali National Park and Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, conditions are placed on storage of food, garbage, lawfully taken fish or wildlife, and equipment used to cook or store food throughout the park.

The reasons for this restriction are as follows:

1. Wildlife in a natural ecosystem is adapted to exist on natural food source. Obtaining human food may adversely affect behavior and nutrition of wildlife.
2. Both black and brown bears are common throughout the parklands and are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures.
3. Bears are extremely susceptible to conditioning to human food sources. Once they have learned to associate a site or item (e.g. tent, kayak, boat, etc.) with acquisition of food, they may return to that source repeatedly for further food rewards.
4. It does not matter whether the material is fresh, dry, powdered, canned, etc. Once a curious bear has obtained a positive food reward, it will return and / or continue to seek out further rewards in similar situations.
5. Any impact to nutrition may manifest itself in reduced reproductive success and life expectancy.
6. While nutritional impact on wildlife may vary depending on a number of factors, notably the percentage of the overall diet of the animal is made up of non-natural food and during what time of year, no impact is acceptable under National Park Service management policies.
7. Bears which become conditioned to human food in this area are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands.
8. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

The reasons less restrictive measures will not be effective are as follows:

1. Educational efforts regarding proper food storage and disposal of food and garbage have been undertaken by state and federal agencies in Alaska and in other western states for many years. These efforts have doubtless improved the situation and reduced wildlife/human conflict and impacts.
2. Recognizing that variations in the environment and recreational activity require multiple food storage options, park managers have undertaken the following to assist visitors and make these conditions less onerous:
  - Park supplied bear resistant food storage containers (BRFC) are available at park headquarters.

3. Despite these efforts, park managers repeatedly encounter situations in which food or garbage is improperly stored throughout the parklands.
4. The food storage conditions imposed under this section allow for a wide variety of storage options, including free loans of portable BRFC units, to make compliance less onerous.
5. We have considered the use of the Alaska State Administrative Code 5 AAC 92.230 which reads:

A person may not intentionally feed a moose (except under terms of a permit issued by the department), bear, wolf, coyote, fox, or wolverine, or negligently leave human food, pet food, or garbage in a manner that attracts these animals. However, this prohibition does not apply to use of bait for trapping fur bearers or hunting black bears under 5 AAC 84-5 AAC 92.

- Park employees lack authority to enforce this regulation directly, and would rely on state officers. Given limited state staffing in this area and other priorities, enforcement would be severely hampered.
  - If we adopted the language of the state regulation into a park condition under this section, we would unreasonably force our enforcement officers to prove “negligence” in court. The threshold we seek to enforce is lower given our specific legal mandate to protect wildlife.
6. Given the lack of complete compliance with educational efforts, the flexibility in compliance options, and the effort made by park managers to provide free equipment to promote compliance, these conditions are the least restrictive required to fulfill the parklands mission of protecting wildlife and human safety.

## Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Fires

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.13(a)(1) the Superintendent of Denali National Park and Preserve has determined that in order to prevent adverse impacts to park resources:

Campfires are prohibited in the former Mt. McKinley National Park except 1) as provided in 13.976 in the Frontcountry Developed Area 2) in the area of the park designated as Wilderness from October 1 through April 15, or 3) in emergency situations.

Campfires are allowed in the 1980 Park and Preserve additions except at the Kantishna Airstrip between April 15 and September 30.

The reasons for this restriction are as follows:

1. High temperatures impact soils and impair plant growth and create a visible scar that is long lasting.
2. Trampling and soil compaction occur around fire rings as part of their use, which in turn further impacts soils and their ability to support vegetation.
3. Wood gathering activities leave visible signs of human use.
4. A primary objective of backcountry management in the area of the former Mt. McKinley National Park is to disperse use so that signs of repeated human use typically associated with regularly used campsites do not develop. The prohibition on fires in the wilderness area of the park has been in place for 30 years and has been effective at preventing campsite formation and the associated resource impacts. The use of light, portable stoves is a common and well-accepted minimum impact hiking practice.
5. This restriction still allows fires throughout the majority of Denali National Park and Preserve, and only limits them in the area of the former Mt. McKinley National Park during the period of time when special resource protection objectives and visitation issues exist.
6. Fire rings tend to attract burnt trash and food residue as campers attempt to dispose of waste. Small amounts of plastic, glass, aluminum foil, and food scraps are frequently left behind because not everything burns completely. This restriction ensures that where fires are permitted, users are responsible for removing these materials from the area upon departure.
7. Established fire rings at the campground and picnic area provide places for cooking or warming fires that will limit soil impacts to these discrete sites and reduce fire hazards as well.

The reasons less restrictive measures will not be effective are as follows:

1. The allowance of fires in more areas of the backcountry would fail to achieve management objectives.

2. Insulating the soils through a buildup of material and / or a fire pan would reduce some of the direct soil and vegetation impact, but not the damage associated with trampling around the fire site or wood gathering. Campsite impacts would still be greater than those associated with the current restriction and unacceptable.

## Determination of Need for a Restriction, Condition, Public Use Limit, or Closure

Subject: Prohibition of Pets – 36 CFR 2.15

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c), the Superintendent of Denali National Park and Preserve has determined that in order to provide for the protection of resources and public safety it is necessary restrict pets as follows:

For the Frontcountry Developed Area, see 13.978. This regulation does not apply to dogs used for transportation during the winter months.

From May 1 through September 30, pets are prohibited in all other areas of the park. This prohibition does not apply to:

1. dogs used for legal hunting in the park and preserve additions
2. emergency search and rescue missions
3. qualified service dogs accompanying persons with disabilities per the ADA

The reasons for this restriction are as follows:

1. While traveling or hiking with pets may be a positive experience for the owner, pets frequently have negative impacts on park resources, notably wildlife, and on the experience of other visitors. These impacts include, but are not limited to, noise, pursuit, harassment, defecation, and scent marking of wildlife habitat. Even leashed pets bark, defecate, and urinate, and disturb other visitors.
2. Potentially dangerous wildlife such as moose and bears may engage pets – either chasing and attacking, or being chased. Pets chasing wildlife is unacceptable harassment, while pets chased by wildlife will frequently return to their owner, creating a risk to human safety and an unnecessary expenditure of caloric energy on the part of the wildlife.
3. The use of pets is not required in order to have a positive recreational experience. It is optional. In those cases where a pet facilitates access (e.g. Service animals and winter activities such as mushing) the use of such pets is allowed.
4. Wildlife activity is frequently concentrated along travel corridors such as gravel river bars or game trails through thick vegetation. The crosscountry travel typical required in Denali's backcountry means that hikers also regularly use these natural travel corridors and wildlife areas as well, increasing the likelihood of conflict with wildlife.
5. Nesting shorebirds lay eggs directly on the ground along gravel bar travel routes and in the tundra. Pets, leashed or unleashed, may disturb eggs and / or frighten adult birds from the nest.
6. Denali National Park and Preserve's enabling legislations and the intent of Congress speak directly to the protection of wildlife and an unaltered ecosystem as well as the establishment of a large sanctuary "where fish and wildlife may roam freely, developing their social structures and evolving over long periods of time as nearly as possible without the changes that extensive human activities would cause".
7. The park is surrounded by other public lands where pets are allowed in keeping with the respective missions and legal mandates of those agencies. Rangers routinely direct pet



users to those alternate sites to accommodate their recreational activities while fulfilling the strict wildlife protection mandate of the National Park Service.

8. The restriction prevents disturbance and reduces the potential of exposure to disease from pets to the park sled dogs.
9. The restriction will allow the National Park Service to fulfill this mandate and protect visitors and the unique opportunities offered at Denali while still allowing access when conditions permit.

The reasons less restrictive measures will not be effective are as follows:

1. Any pet in a park area, even where allowed, must be on a leash or under direct physical control at all times. While this measure may prevent pursuit and harassment of wildlife and other visitors, it does not prevent barking, defecation, or scent marking through urination, all of which may disturb wildlife of all types.
2. Backcountry travel at Denali is virtually all crosscountry, frequently through thick brush, on steep slopes, or across rivers. It is not practical or reasonable to suggest or expect that visitors would travel with a leashed dog under these conditions.
3. Further, Rangers issue regular warnings and respond to complaints for pets off leash and / or in closed areas despite signing and published educational material in the park newspaper, brochures, and on bulletin boards. When contacted, many visitors state that they were unaware of the rules, while others state that they knew the rules regarding leashes but chose not to comply unless confronted by authority.
4. These factors indicate that leash laws in backcountry areas would be generally ignored.
5. Leashed pets on trails could minimize some wildlife impacts, but it would increase conflicts with other visitors because of the higher contact rates created by more concentrated use and frequent encounters.
6. It would be better to maintain a standard policy that pets are generally inappropriate in National Park Service settings away from developed sites such as campground, road shoulders, parking lots, or pullouts, and that these areas are adequate within the context of a national park.



## **Determination of Need for a Restriction, Condition, Public Use Limit, or Closure**

### **Subject: Sanitation: conditions concerning disposal, carrying out of solid human waste**

Pursuant to Title 36 of the Code of Federal Regulations, § 1.5 (c) and 2.14(b) the Superintendent of Denali National Park and Preserve has determined that in order to protect public health and safety and to prevent adverse impacts to park resources:

Persons engaged in any travel (such as skiing, snowshoeing, aircraft landings) or activities (such as mountaineering, climbing, flight seeing, camping) in a glacier environment such as Mt. McKinley and other peaks and glaciers within the Park & Preserve are required to properly dispose of solid human waste as follows:

1. Pit latrines must be used where provided by the National Park Service, such as those typically located at the 7,200 and 14,200 foot camps on the West Buttress route of Mt. McKinley.
2. Below 15,000 feet on the West Buttress route of Mt. McKinley – Solid human waste must be collected in a personal receptacle or bagged and deposited in a deep crevasse.
3. Above 15,000 feet on the West Buttress of Mt. McKinley – Solid human waste must be collected in a personal receptacle.
4. Solid human waste must be collected in a personal receptacle when within one-half mile of glacial landing sites used by aircraft.
5. On technical climbing routes within the park and preserve, not including the West Buttress, solid human waste must be tossed or shoveled away from the route.
6. In all other glaciated areas of the park covered by snow and ice, solid human waste must be bagged and carried out in a personal receptacle or deposited in a deep crevasse.
7. Personal receptacles containing solid human waste must be removed from the backcountry and deposited at designated locations.

In non-glacier environments, toilet paper must be burned or removed as trash.

Failure to properly dispose of human waste as required is prohibited.

#### **The reasons for these restrictions are as follows:**

- Solid human waste does not break down or decompose in a cold glacial environment. It remains preserved within layers of ice and snow in the glaciers. Presence of such waste on or near the glacier surface is a public health, environmental, and aesthetic problem.
- Water required by climbers and other multi-day visitors to glaciated areas of the park can only be obtained by collecting and melting snow along travel routes or at camping areas. These are the same areas where visitors urinate and defecate. Pit toilets at the 7 and 14 foot camps on the West Buttress route of Mt. McKinley are the only established toilet facilities in glaciated areas of the park.
- Fecal contamination of the snow pack presents a public health risk wherever human use is significant or concentrated, even at the 17,200 foot high camp on McKinley. In 2005, approximately 1300 climbers spent an average of approximately 16 nights on McKinley. This represents approximately 20,800 user nights. In the same year, approximately 473 other overnight users spent approximately 7 nights each on average in other glacier –

covered areas of the park, representing an additional 3000 plus user nights. Scenic tour passengers (day users) added an additional 11,562 user days in 2005 in areas including the Ruth Amphitheatre and Little Switzerland.

- Dr. Joe McLaughlin, Medical Epidemiologist for the Alaska Department of Health and Social Services, studied an outbreak of diarrheal illness on Mt. McKinley in June 2002. The introduction in Dr. McLaughlin's study notes: "North America's tallest peak, Denali (also known as Mt. McKinley), is considered by many mountaineers to be one of the most polluted mountains in the United States Park system. Over 1100 climbers ascend the popular West Buttress route per year, and climbers spend an average of two to three weeks on the mountain, often depositing human waste outside of latrines in or next to camps. High winds and blowing snow, which may be later consumed by unsuspecting climbers who often fail to boil or purify water collected for drinking and food preparation. Prevention of diarrheal illness is important because resulting dehydration and metabolic stress may contribute to fatigue that results in numerous fatal and non-fatal climbing accidents". One of Dr. McLaughlin's recommendations is for the NPS to continue efforts to remove fecal material from the mountain.
- The firn line on the Kahiltna glacier has risen from approximately 6,000 feet to approximately 7,300 feet due to warmer annual temperatures. Solid human waste from previous climbing seasons, which used to remain buried under accumulations of new snow, now melts out and is visible during following seasons.
- There is only one crevasse above 15,000 feet on the West Buttress route of Mt. McKinley, the most heavily traveled route in the range. This crevasse is not large or accessible enough to be successfully used as a depository for solid human waste.

**The reasons less restrictive measures will not be effective are as follows:**

- The single crevasse above 15,000 feet on the West Buttress is located approx. ¼ mile north of the high camp at 17,200 feet and is several hundred vertical feet below where climbers camp. 10 years of observations by NPS climbing rangers reveal that few climbers at high camp are willing or able to take their solid waste to this crevasse. Most human waste is observed in camp, dropped in piles leading toward the crevasse, or tossed off the side of the heavily used climbing route. Climbers cite numerous reasons for not using this crevasse, including exhaustion at altitude. Further, this crevasse is not large or deep enough to permanently dispose of solid waste.
- It is not practical or financially feasible for the NPS to install and maintain toilets or remove solid human waste in the glaciated areas.
- Solid human waste does not break down or decompose in a cold glacial environment.
- Crevasses are typically located too far away from glacier landing strips to be used successfully for solid human waste disposal. Air taxi operators do not want to spend the extra time on the ground while their clients make the trip to a crevasse and back. Or, the clients do not have the equipment and skills necessary to safely travel on glaciers.
- The long-term environmental and public health risks associated with continuing to dispose of large quantities of solid human waste in crevasses is unknown.

## Determination of need for a Restriction, Condition, Public Use Limit, or Closure

### Subject: Wildlife Distance Conditions

Pursuant to Title 36 of the Code of Federal Regulations, 1.5(a) & (c), the Superintendent of Denali National Park and Preserve has determined that in order to protect public safety and prevent adverse impacts to wildlife, the following conditions are placed on viewing wildlife:

1. Eliminate the distinction between grizzly bears and black bears. Distinguishing between black bears and brown bears is not always easy and therefore not appropriate to expect park visitors, who may have never seen a bear before, to make this distinction.
2. Use the same format as other parks in the region. Where practical, consistency aids the park user.
3. Add a photography provision. While approaching wildlife is prohibited, there have been occasions where photographers have put themselves in path of wildlife and allowed the wildlife to approach them. The park believes these actions are unacceptable and undermines the purpose of the wildlife distance conditions.
4. Eliminate the 100 yard rule. The park is proposing to eliminate the 100 yard rule for occupied dens and raptor nests as the current regulation already requires a minimum distance of 25 yards for active nests or occupied den sites. This proposed change would correct this conflict and make the rule easier to understand.

The reasons for the wildlife distance conditions are as follows:

- Park Interior Alaska bears live at low population densities and are likely to react to human presence at considerably greater distances than coastal bears, especially during a surprise encounter.
- Furthermore, the open habitat, including much of the Denali park road, means that all wildlife species are likely to be more sensitive to human presence than the same species would be in forested habitat. For these reasons, safe viewing distances defined in Denali have been greater than distances defined for coastal parks.
- Denali experiences relatively high visitor numbers both on and off the road, which also argues for conservative management of visitor/wildlife interactions.
- This regulation is meant to provide for a minimum distance between people and wildlife to protect both wildlife and visitors, and to maintain wildlife viewing opportunities. Viewing from a close proximity can alter wildlife behavior and cause hazardous circumstances for park visitors and wildlife. 36 CFR 2.2(a)(2), which prohibits “the feeding, touching, teasing, frightening or intentional disturbance of wildlife nesting, breeding or other activities,” does not by itself provide for a minimum distance between people and wildlife.
- Disruption of natural wildlife movements can also reduce or eliminate the viewing opportunities that attract many visitors. The restrictions proposed are intended to mitigate the risks associated with humans in close proximity to wildlife while accommodating large numbers of visitors drawn for wildlife viewing.

The reasons less restrictive measures will not be effective are as follows:

- The park considered applying these restrictions in limited areas in the park where there are high visitor use levels and known wolf dens. The park did not adopt this approach because it sends a confusing message to the public as to what type of behavior is appropriate around wildlife.
- The park also made exceptions for individuals engaged in lawful hunting or trapping, those who comply with a written protocol approved by the Superintendent, those who have a permit from the superintendent, or those who are otherwise directed by a park employee.

## Determination of need for a Restriction, Condition, Public Use Limit, or Closure

### Subject: Use of Bicycles

Pursuant to Title 36 of the Code of Federal Regulations, 1.5 (c) and 13.914 the Superintendent of Denali National Park and Preserve has constructed a multi-purpose trail between the Denali Visitor Center and the Nenana River Canyon Bridge and authorized the use of bicycles on that trail.

The reason for this designation is:

- 13.914 limits the use of bicycles within the Frontcountry Developed Area (FDA) to park roads, road shoulders, public parking areas, or trails designated for bicycle use by the Superintendent. No trails within the FDA are currently designated for bicycle use. The multi-purpose trail connecting the visitor center and the Nenana River Canyon Bridge was specifically designed and constructed to accommodate bicycle use. Opening this trail to bicycle use will enhance visitor safety by separating bicycles from motor vehicles in this busy section of the park. Bicycle use on this trail will be consistent with the protection of the park's natural, scenic, and aesthetic values, safety considerations, management objectives and will not disturb wildlife or park resources.